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10/017,809	11/30/2001	Steven M. Belz	82715RLO	9159

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EXAMINER

YODER III, CHRISS S

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2612

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/017,809
Filing Date: November 30, 2001
Appellant(s): BELZ ET AL.

MAILED

FEB 09 2005

Technology Center 2600

Joseph B. Ryan
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 25, 2004.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-7 and 9-15 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8). Claims 1 and 11 form one group, claim 3 forms a second group, claim 2 forms a third group, claim 4 forms a fourth group, claims 5-7 and 9 form a fifth group, and claims 12-15 form a sixth group.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6392697	TANAKA et al.	5-2002
6167469	SAFAI et al.	12-2000
2001/0024236	SATO et al.	9-2001

Japan Electronic Industry Development Association, "Design Rule for Camera File

System," Version 1.0

Viktors, Japanese Publication No. 2000-232599

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

A. Claims 1, 3, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US Patent # 6,167,469) in view of Viktors (Japanese publication # 2000-232599) and in further view of Tanaka et al. (US Patent # 6,392,697).

In regard to claim 1, note Safai discloses the use of a digital camera including a viewable display (figure 1: 108), a lens for providing an optical image (column 1, lines 19-21), an image sensor for receiving the optical image (figure 2: 202), a processor for producing a digital image to be displayed on the display (figure 2: 208 and 219), a memory for storing the captured images (column 6, lines 1-5; and figure 2: 212), a docking interface to permit the digital camera to be connected to the docking unit (column 6, lines 60-65; the camera inherently has an interface, without the interface the camera cannot communicate with the docking station), a processor coupled to the memory for providing communication through the docking unit to a channel so that captured digital images stored in memory are transferred over the channel to a service provider (column 6, lines 10-15 and column 6, lines 60-65), transferred digital images are received over the channel from the service provider and stored in memory (column 15, lines 36-44), the processor being coupled to the display so that the captured images and transferred images can be viewed (column 15, lines 36-44), a docking unit that

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communicates over a channel for transferring captured images to a service provider and receiving images from the service provider (column 6, lines 60-65), the docking unit has a connector for receiving the interface on the digital camera (column 6, lines 60-65; the unit inherently has a connector, without a connector the docking unit would not be able to communicate to the camera), and a network connection for interconnecting the docking unit to the channel (column 6, lines 60-65; there is inherently a network connection to connect with the channel, without the connection the device cannot communicate over the channel). Therefore, it can be seen that the Safai device lacks the use of a docking station with a power supply for providing power to the camera, a memory that stores images of two different sizes, and transferring images of a first size to the service provider and receiving images of a second smaller size from the service provider. Viktors discloses the use of a power supply in the docking station (page 1, paragraph 0004, lines 3-4). Viktors teaches that the use of a power supply in a docking station is preferred in order to recharge the camera (pages 1-2, paragraph 0005, lines 4-7). Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to modify the Safai device to include the use of a power supply in the docking station as suggested by Viktors. Tanaka discloses the use of a memory that stores images of two different sizes (column 5, lines 9-11; the camera stores the 240,000 pixel image and the 60,000 pixel image) and transferring images of a first size (column 9, lines 48-49) and receiving images of a second smaller size (column 6, line 63 – column 7, line 1). Tanaka teaches that the use of a memory that stores images of two different sizes and transferring images of a first size and receiving images of a

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second smaller size is preferred in order to transmit the images more quickly due to device compatibility and the reduced image size (column 5, lines 12-13; if the device is capable of receiving a smaller image file, then that image is sent to reduce transmission time). Therefore, it would have been obvious to one of ordinary skill in the art to have been motivated to modify the Safai device to include the use of a memory that stores images of two different sizes and transferring images of a first size and receiving images of a second smaller size as suggested by Tanaka.

In regard to claim 3, note Viktors discloses the use of a digital camera and docking station using the internet as a channel to transfer data (page 1, paragraph 004, line1), automatically connecting to the Internet when the camera is placed in the docking unit (page 4, paragraph 0024, lines 1-2). Viktors discloses the use of a predetermined service provider (page 3, paragraph 0017, lines 4-5). Safai discloses the transfer of a plurality of images from the service provider to camera memory (column 15, lines 36-44; the images are retrieved, stored, and displayed).

In regard to claim 11, note Safai discloses the use of a photo processor (figure 2: 208) that reduces the size of the image before displaying them on the display (column 3, lines 5-6; and column 10, lines 33-36).

B. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US Patent # 6,167,469) in view of Viktors (Japanese publication # 2000-232599) and in further view of Tanaka et al. (US Patent # 6,392,697) further in view of Sato (Patent application # US 2001/0024236).

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In regard to claim 2, note the primary reference of Safai, Viktors and Tanaka disclose a digital camera and docking station as claimed in claim 1. Therefore, it can be seen that the primary reference lacks selected input from a channel that is stored and displayed. Sato discloses a device that receives content from the network, stores the data (figure 9: S214-S218; and paragraph 0075), and display the information to the screen, this can be seen in paragraph 0043, lines 4-6. Sato teaches that it is preferred to receive content from the service provider in order for the user to have access to a plurality of services as often as possible (paragraph 0008, lines 4-5). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Safai device as modified by Viktors and Tanaka, device to store and display the received content to the screen as suggested by Sato.

C. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US Patent # 6,167,469) in view of Viktors (Japanese publication # 2000-232599) and Tanaka et al. (US Patent # 6,392,697) as applied to claim 1 above, and further in view of "Design Rule for Camera File System".

In regard to claim 4, note the combined teaching as applied to claim 1 above discloses the use of a digital camera and docking unit that connects to a network to transfer files between the camera and a server. Therefore, it can be seen that the combined teaching lacks the storage of JPEG files in different directories. The "Design Rule for Camera File System" discloses the use of JPEG compression (page 14, 3.3.6 (B)) and multiple directories (page 21, 4.1.1). The "Design Rule for Camera File

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System” teaches the use of storage of JPEG files in different directories as a standard for all digital cameras. Design Rule sets out that the JPEG format allows images to be stored in a directory structure. Within this structure, the user is free to set up directories and sub-directories in any manner that suits their use. Images can be grouped according to date taken, subject, camera user, etc. Based on this, it would have been obvious to place captured images in a directory different from images transferred to the camera from an external source. The motivation to do this is the same as it would be for any directory/sub-directory placement options – to make the camera more friendly to the user who can easily organize and manage images. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Safai device, as modified by Viktors and Tanaka, to include JPEG compression and use multiple directories for storage of data.

D. Claims 5-7, 9-10, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US Patent # 6,167,469) in view of Sato (Patent application # US 2001/0024236).

In regard to claim 5, note Safai discloses the use of a digital camera including a viewable display (figure 1: 108), a lens for providing an optical image (column 1, lines 19-21), an image sensor for receiving the optical image (figure 2: 202), a processor for producing a digital image to be displayed on the display (figure 2: 208 and 219), a docking interface to permit the digital camera to be connected to the docking unit (column 6, lines 60-65; the camera inherently has an interface, without the interface the

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camera cannot communicate with the docking station), a docking unit that communicates over a channel for transferring captured images to a service provider and receiving images from the service provider (column 6, lines 60-65), the docking unit inherently has a connector for receiving the interface on the digital camera (column 6, lines 60-65; without connectors the docking unit would not be able to communicate to the camera), a network connection for interconnecting the docking unit to the channel (column 6, lines 60-65; there is inherently a network connection to connect with the channel, without the connection the device cannot communicate over the channel), and a service provider including a memory for storing a plurality of user accounts (column 15, lines 28-45) with each account communicating information to the camera associated with each account (column 15, lines 28-45), the network for communicating the images is the Internet (column 13, lines 35-38), and the information is displayed on the display (column 15, lines 39-41). Therefore, it can be seen that Safai lacks a plurality of cameras and having the data communicated to the camera comprise content information corresponding to the content categories selected by the user. Although it is not explicitly stated in the reference that there are a plurality of cameras, it is implied that there is a plurality of cameras because each camera would have its own account information associated with each camera on the server. Sato discloses the use of a plurality of content categories that are communicated to the camera as selected by the user (page 5, paragraph 0075). Sato teaches that to receive a plurality of content categories that are selected by the user is preferred in order for the user to have access to a plurality of services as often as possible (paragraph 0008, lines 4-5). Therefore, it

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would have been obvious to one of ordinary skill in the art to have been motivated to modify the Safai device to include the receipt of a plurality of content categories as suggested by Sato.

In regard to claim 6, note Safai discloses the receipt of images from the service provider and the use of a display to view the received images (column 15, lines 37-44).

In regard to claim 7, note Sato discloses the download of character content in paragraph 0075, lines 7-9. It would have been obvious to modify this character content to include sports team information based on the content that the user wants to receive.

In regard to claim 9, note Sato discloses the download of character content in paragraph 0075, lines 7-9. It would have been obvious to modify this character content to include stock information based on the content that the user wants to receive.

In regard to claim 10, note Sato discloses the download of character content in paragraph 0075, lines 7-9. It would have been obvious to modify this character content to include sports team information, news, or financial information based on the user's desired content.

In regard to claim 12, which is a method claim, corresponding to the apparatus claim 5. Therefore, claim 12 is analyzed and rejected as previously discussed with respect to claim 5 above.

In regard to claim 13, note Sato discloses the download of character content in paragraph 0075, lines 7-9. It would have been obvious to modify this character content to include sports team information based on the content that the user wants to receive.

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In regard to claim 14, note Sato discloses the download of character content in paragraph 0075, lines 7-9. It would have been obvious to modify this character content to include financial information based on the content that the user wants to receive.

In regard to claim 15, note Sato discloses the download of character content in paragraph 0075, lines 7-9. It would have been obvious to modify this character content to include sports themed based on design choice.

(11) Response to Argument

A. Appellant argues that the combination of Safai, Viktors and Tanaka fail to meet the limitations of claim 1. Specifically that *"images transferred from a service provider to the camera via the docking unit have a smaller image size than captured images transferred from the camera to the service provider via the docking unit."* The examiner disagrees, the Tanaka device does transfer images of a first size (column 9, lines 48-49) and receive images of a second smaller size (column 6, line 63 – column 7, line 1). The examiner points out that although the Tanaka device sends and receives both the larger and smaller image data to the camera, it does meet the claim language since it performs the claimed function of transferring images of a smaller size from the service provider to the camera. Therefore, the combination of Safai, Viktors and Tanaka does meet every limitation of claim 1.

B. Appellant argues that Safai fails to disclose that *"images transferred from a service provider to the camera via the docking unit have a smaller image size than*

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captured images transferred from the camera to the service provider via the docking unit,” and that Safai teaches away from this by disclosing that there is no distinction in resolution between pictures that are uploaded and downloaded on the camera. The examiner disagrees, Safai is actually non specific and does not state whether the resolutions have to be the same or different for uploading and downloading, therefore, Safai does not teach away from this feature.

C. Appellant argues that Tanaka teaches away from the claimed feature of transferring images of a smaller size from the service provider to the digital camera. The examiner disagrees, pointing out that Tanaka states that the taken images are 240,000 pixels (column 5, lines 9-10) and that the display device is 60,000 pixels (column 2, lines 43-51). Tanaka also states that “when the received still image signal is a first type, the number of pixels of the received still image signal is equal to that of the display device” (column 6, line 66- column 7, line 5; Tanaka also discloses the receipt of smaller images in column 6, lines 5-7). Therefore, Tanaka does teach that the receipt of smaller images is preferred in order to quickly transmit the images.

D. Appellant argues that the examiner has failed to establish a *prima facie* case of obviousness in the rejection of claim 1 because the examiner has failed to identify a cogent motivation for combining the references or modifying the reference teachings to reach the claimed invention, more particularly the motivation to combine the references because Tanaka teaches that images can be transmitted “more quickly due to the

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reduced image size,” and that Tanaka has no teaching or suggestion regarding use of a first image size for transfer of captured images from a camera to a service provider, and a second smaller image size for transfer of images from the service provider to the camera. However, while Safai does not disclose the use a memory that stores images of two different sizes, and transferring images of a first size to the service provider and receiving images of a second smaller size from the service provider, Tanaka discloses the use of a memory that stores images of two different sizes and transferring images of a first size and receiving images of a second smaller size. When combining the teachings of the references (i.e. Safai’s teaching of a camera with a docking station that transfers images and Tanaka’s teaching of transferring different size images between two devices) are combined using the motivation described in Tanaka, one arrives at the claimed invention.

E. Appellant argues that there is no objective evidence of motivation to combine Safai, Viktors and Tanaka for claim 3. However, the examiner disagrees, based on the combination of Safai, Viktors and Tanaka in claim 1, from which claim 3 depends. The examiner agrees that Safai lacks the use of a docking station with a power supply for providing power to the camera, a memory that stores images of two different sizes, and transferring images of a first size to the service provider and receiving images of a second smaller size from the service provider. However, when combining the teachings of the Safai, Viktors and Tanaka references using the motivation described in Viktors and Tanaka, one arrives at the claimed invention (Viktors is relied upon for

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teaching the use of a power supply in a docking station in order to recharge the camera and Tanaka is relied upon for teaching the transfer of different size images between two devices in order to transmit the images more quickly due to device compatibility and the reduced image size).

F. Appellant argues that there is no objective evidence of motivation to combine Safai, Viktors, Tanaka, and Sato for claim 2. However, the examiner disagrees, based on the combination of Safai, Viktors and Tanaka in claim 1, from which claim 2 depends. The examiner agrees that combination of Safai, Viktors and Tanaka lacks the use of selected input from a channel that is stored and displayed. However, when combining the teachings of the references with the addition of Sato (i.e. Safai's teaching of a camera with a docking station that transfers images, Viktors' teaching of a power supply in a docking station in order to recharge the camera, Tanaka's teaching of transferring different size images between two devices in order to transmit the images more quickly due to device compatibility and the reduced image size, and Sato's teaching of selected input from a channel that is stored and displayed in order for the user to have access to a plurality of services as often as possible) are combined using the motivation described in Sato, one arrives at the claimed invention.

G. Appellant argues that there is no objective evidence of motivation to combine Safai, Viktors, Tanaka, and Design Rule for claim 4. However, the examiner disagrees, based on the combination of Safai, Viktors and Tanaka in claim 1, from which claim 4

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depends. The examiner agrees that combination of Safai, Viktors and Tanaka lacks the use of captured digital images being stored as JPEG files in a first subdirectory and the transferred digital images are stored as JPEG files in a second subdirectory. However, Design Rule teaches that the use of image files being stored as JPEG in a directory structure of any type/format is well known in the art, and Design Rule sets out that the JPEG format allows images to be stored in a directory structure. Within this structure, the user is free to set up directories and sub-directories in any manner that suits their use. Images can be grouped according to date taken, subject, camera user, etc. Based on this, it would have been obvious to place captured images in a directory different from images transferred to the camera from an external source. The motivation to do this is the same as it would be for any directory/sub-directory placement options – to make the camera more friendly to the user who can easily organize and manage images.

Note, as evidence of this, Fredlund et al. (US Patent # 6,812,962) which describes the use of a directory/subdirectory structure that stores full size images in one directory and images of a second size in a second directory in order to conform to the "Design Rule" standard (column 4, lines 22-62; and figure 6: directories 430 and 422 respectively).

When combining the teachings of the references (i.e. Safai's teaching of a camera with a docking station that transfers images, Viktors' teaching of a power supply in a docking station in order to recharge the camera, Tanaka's teaching of transferring different size images between two devices in order to transmit the images more quickly

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due to device compatibility and the reduced image size, and Design Rule's teaching of JPEG images being stored a directory structure of any type that is set up by the user of the device) are combined using the motivation described in Design Rule, one arrives at the claimed invention.

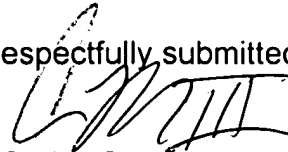
H. Appellant argues that there is no objective evidence of motivation to combine Safai and Sato for claim 5. Specifically pointing to user accounts that identify particular content categories previously selected by a particular user, and content information corresponding to the particular content categories. Appellant also argues that Safai "does not meet this limitation, in that there is apparently only a single category for each camera owner." The examiner agrees that Safai does not teach the use of having data communicated to the camera comprising content information corresponding to the content categories selected by the user, because Safai was not relied upon for this teaching, Safai was relied on to teach the use of a camera with a docking station that transfers image data to a remote device. However, Sato teaches the use of the transmission of information from user accounts that include information from predetermined content that was previously selected by the user (page 5, paragraph 0075). When the teachings of the two references (i.e. Safai's teaching of a camera with a docking station that transfers data and Sato's teaching that the transfer of a plurality of content categories that are selected by the user is preferred in order for the user to have access to a plurality of services as often as possible) are combined using the motivation described in Sato, one arrives at the claimed invention.

I. Appellant argues that there is no objective evidence of motivation to combine Safai and Sato for claim 12. Specifically pointing to user accounts that identify particular content categories previously selected by a particular user, and content information corresponding to the particular content categories. Appellant also argues that Safai "does not meet this limitation, in that there is apparently only a single category for each camera owner." The examiner agrees that Safai does not teach the use of having data communicated to the camera comprising content information corresponding to the content categories selected by the user, because Safai was not relied upon for this teaching, Safai was relied on to teach the use of a camera with a docking station that transfers image data to a remote device. However, Sato teaches the use of the transmission of information from user accounts that include information from predetermined content that was previously selected by the user (page 5, paragraph 0075). When the teachings of the two references (i.e. Safai's teaching of a camera with a docking station that transfers data and Sato's teaching that the transfer of a plurality of content categories that are selected by the user is preferred in order for the user to have access to a plurality of services as often as possible) are combined using the motivation described in Sato, one arrives at the claimed invention.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,



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CSY

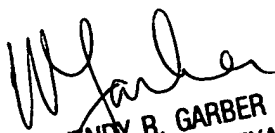
February 7, 2005

Conferees

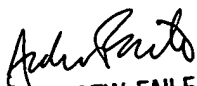
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